

1 yours, so you find that the licensee is operating in a way
2 that, in your judgement, considering what the rules require
3 and what the policy statements might add to the rules, do
4 you then inform the licensee that he is not doing what you
5 would have done in your judgement?

6 A That would be one of the avenues, yes.

7 Q Do you not do that?

8 A On occasion, yes.

9 Q Do you do it every time you find a situation where
10 your judgement of what is required differs from the
11 licensee's judgement of what is required?

12 A It depends on the nature of the inspection and why
13 the inspection was being made to begin with.

14 Q You have indicated to me in my role as counsel for
15 Monticello Mountaintop, that you have inspected other
16 broadcast stations that have telephone dial up, remote
17 control systems?

18 A Correct.

19 Q I think you indicated that it was fewer than ten
20 FM stations that operated that way?

21 A Yes.

22 Q How many AM stations would you say?

23 A I don't recall specifically. I'm sure it was a
24 very small number similar to ten.

25 Q Did you tell me that when you found that they had

1 such systems, that you wrote them notices of violation?

2 A I either wrote it specifically or I said something
3 in person when I was there.

4 Q That they were in violation?

5 A That things could be improved, yes.

6 Q There's a difference.

7 A Well, in the opinion, I probably presented it as
8 such in the opinion of the inspecting engineer, this is not
9 a reliable system.

10 Q When you say that, are you saying this is in the
11 opinion of Serge Loginow?

12 A Yes, of the inspecting engineer.

13 Q You're not expressing as the voice of the FCC,
14 then, that in the judgement of Federal Communications
15 Commission, a telephone dial up remote control system is not
16 reliable, are you?

17 A I'm taking the best information, the rules and the
18 clarifications and applying it to the certain instance that
19 I have before me and making a decision at the time.

20 MR. RILEY: Your Honor, I would like to refer Mr.
21 Loginow to his deposition again, page 117.

22 JUDGE STEINBERG: Is there a conflict in there?

23 MR. RILEY: Yes, I think there is, Your Honor.

24 JUDGE STEINBERG: What was the page again?

25 MR. RILEY: Page 117, Your Honor, line 24. At the

1 very bottom, Mr. Loginow.

2 BY MR. RILEY:

3 Q Do you see where we are?

4 A "That our right notice is --"

5 MR. ARONOWITZ: Your Honor --

6 MR. RILEY: I haven't asked a question yet. I'm
7 referring him to where we are on this. If you're with me,
8 Mr. Loginow.

9 BY MR. RILEY:

10 Q Just above line 24, I asked you to look at another
11 document that you had prepared and the question to you was
12 essentially this. Does that document indicate that few or
13 very few, less than ten, of the stations you had inspected,
14 had telephone remote control? Do you see that, I asked you
15 and you said yes, you did. We're down at the bottom of page
16 117.

17 A Yes, go ahead.

18 Q Now, talking about that universe of less than ten,
19 and I said, did you write notices of violations to those
20 stations, and you, at the top of 118, said, "Yes, I did."
21 Isn't that your answer, "Yes, I did."

22 A And I clarified it in the next response.

23 Q Okay, you said, "Either I note violation notices
24 or I mentioned it to them, that this is an unreliable form
25 of remote control." Now, do you know whether you wrote any

1 of those stations violation notices for this point?

2 MR. ARONOWITZ: Objection, Your Honor. I want to
3 make an objection as to the relevancy of what he did with
4 the other stations. In fact, in this very same deposition,
5 he has testimony that goes, that further clarifies this.
6 Not only is what was done at the other stations not
7 relevant, it's assuming a fact in evidence, and that is that
8 he would always write, or in these type of situations, he
9 would always write a notice of violation, and that has been
10 addressed.

11 MR. RILEY: May I respond, Your Honor?

12 JUDGE STEINBERG: Yes.

13 MR. RILEY: What I'm really pursuing here is two
14 things. One, the credibility of the witness, his
15 forthrightness and candor, both in dealing with the Mass
16 Media Bureau and with Monticello Mountaintop and the
17 reliability of his judgement about what he saw up there in
18 Ferndale that day. I think I'm entitled to pursue it.

19 JUDGE STEINBERG: One last word.

20 MR. ARONOWITZ: But, it still assumes a fact in
21 evidence, and that being that every time he would find this
22 type of violation, he would write a notice of violation or
23 any time he would find something that conflicted, he would
24 write a notice.

25 JUDGE STEINBERG: The objection is overruled. Mr.

1 Loginow's testimony, as clarified, was sometimes he'd write
2 a notice and sometimes he'd tell them verbally that, in his
3 opinion, this remote control system was not reliable.

4 The question I have is, and Mr. Riley might want
5 to cover it later and he might not, when Mr. Turro told you
6 that the Monticello transmitter was using a telephone dial
7 up remote control system, did you give Mr. Turro your
8 opinion that that system was unreliable?

9 THE WITNESS: At that time, no. No, I did not.

10 JUDGE STEINBERG: Why not?

11 THE WITNESS: I didn't want to get into a
12 discussion whether it was a reliable remote control unit at
13 that time or not.

14 JUDGE STEINBERG: During the course of your
15 inspections and you run into the telephone dial up remote
16 control systems, do you always mention it to the licensee or
17 did you?

18 THE WITNESS: Right, well, I consider the
19 appropriate place to respond to the whole inspection is at
20 the end. In other words, when a licensee presents a
21 document, a piece of information, piece of equipment, a
22 procedure, anything. I let that stand, you know, I make a
23 notation or a mental notation and then I respond to it later
24 in a summation.

25 The fact that Mr. Turro said it was a dial up

1 didn't help me to respond to seeking remote control in
2 Ferndale, since he was not located in Ferndale at the time
3 he was telling me this. So, I had to rely upon the
4 personnel of WXTM, rather WJUX, in Ferndale --

5 JUDGE STEINBERG: That was out in Dumont, New
6 Jersey?

7 THE WITNESS: Correct, to convey that information
8 to me and to demonstrate that to me.

9 JUDGE STEINBERG: But, they didn't do that?

10 THE WITNESS: No, they didn't.

11 JUDGE STEINBERG: At no time did they do that?

12 THE WITNESS: At no time did they do that. And,
13 when I asked Mr. Blabey about remote control, he said there
14 was none. So, that's the only thing I could go by. There
15 was no remote control in Ferndale.

16 JUDGE STEINBERG: During a typical inspection of
17 an FM broadcast station, you go in there, you do your thing
18 and then you write it up and then, if there are violations,
19 you send out an official notice of violation, is that
20 correct?

21 THE WITNESS: Yes.

22 JUDGE STEINBERG: Or, somebody from Washington
23 does? Or, how does it work?

24 THE WITNESS: Well, it depends how we got there in
25 the first place. If it's a random inspection done to garner

1 numbers, we, ourselves, generate the violation notice.

2 JUDGE STEINBERG: But, if it's an inspection
3 requested by someone here in Washington, is the procedure
4 different?

5 THE WITNESS: Yeah, normally, we just determine
6 the information and pass it on.

7 JUDGE STEINBERG: Pass it on to the people in
8 Washington?

9 THE WITNESS: Yes, the group that requested it.

10 JUDGE STEINBERG: So, to that extent, this
11 particular investigation of the translators in WJUX is
12 perfectly typical?

13 THE WITNESS: Typical of a request, yeah, made out
14 of Washington.

15 JUDGE STEINBERG: Nothing unusual about it?

16 THE WITNESS: No, not at all.

17 MR. RILEY: Your Honor, I will come back to that
18 last point momentarily, but I want to pursue this a little
19 bit with Mr. Loginow.

20 BY MR. RILEY:

21 Q Mr. Loginow, did you speak with Mr. Blabey before
22 about the subject of whether it was remote control, before
23 Mr. Turro's call came? You did, did you not?

24 A I had begun speaking with him, yes.

25 Q Had you asked him the question of whether there

1 was a remote control unit there before you spoke to Mr.
2 Turro on the phone?

3 A I don't recall whether I had a chance to ask him
4 about remote control then or not.

5 Q Now, when you spoke with Mr. Turro on the phone
6 and he told you there was a dial up remote control, I
7 understand your answers to Judge Steinberg to be that you
8 didn't pursue this with Mr. Turro at all, is that right?

9 A That's correct.

10 Q Since you have a copy of this 1988 public notice
11 there in front of you, when did you familiarize yourself
12 with this 1988 public notice?

13 A The public notice itself is recent, but we
14 understood the concept of it, you know, for a few years.

15 Q Is the we you?

16 A I'm sorry, yes. I understood the concept of it.

17 Q When did you first see it?

18 A I first saw this last night.

19 Q That's what I thought.

20 JUDGE STEINBERG: Okay, you first saw this,
21 meaning the text of the public notice.

22 MR. RILEY: The 1988 --

23 THE WITNESS: Yes, meaning the public notice, yes.

24 MR. RILEY: The 1988 public notice, Your Honor,
25 that you had cited into the record as September 12, 1988.

1 The notice is headlined Clarification of Commission Rules
2 Pertaining to Broadcast Station Transfer of Remote Control
3 Operation.

4 BY MR. RILEY:

5 Q That's the one you're looking at, isn't it, sir?

6 A Yes, yes.

7 Q Do you conclude, having reviewed this last night,
8 that by this clarification, the Commission was making clear
9 that telephone dial up remote control, using the public
10 switch network, was permissible provided certain guidelines
11 were followed?

12 A Yes.

13 Q Now, having seen this last night for the first
14 time and not prior to your inspection at Ferndale, how could
15 you have concluded that the dial up remote control for WJUX
16 did not meet these conditions?

17 A I understood the concept of the guidelines herein
18 without actually observing the public notice, because field
19 engineers, you know, field offices get information by other
20 means, other than having to read the public notice.

21 Q Then, let me ask you another question. If you
22 understood these points, what was there about any conditions
23 that had to exist that you could not have determined by
24 questioning Mr. Turro over the telephone?

25 A I --

1 MR. ARONOWITZ: Objection. Mr. Loginow answered
2 that he did not ask Mr. Turro these questions because he was
3 not at --

4 MR. RILEY: No, that's not his answer and if he's
5 going to state an objection, that was neither the question
6 nor the answer, because Mr. Loginow didn't -- he said he
7 couldn't have determined it from Mr. Turro, because Mr.
8 Turro was somewhere at a remote point talking to him. That
9 was his answer.

10 My question to him is simple. What of these could
11 not have been determined from Mr. Turro over the telephone?

12 MR. ARONOWITZ: He did not say he did not --

13 MR. RILEY: Yes, he did.

14 MR. ARONOWITZ: I think he said he chose not --

15 JUDGE STEINBERG: Well, let me sustain the
16 objection because I don't remember what Mr. Loginow said
17 frankly, on this point, except that he did not inform Mr.
18 Turro that, in his judgement, the system was not in
19 compliance, and let Mr. Riley lay the foundation and then
20 ask a question, because I forgot what the answer was.

21 MR. RILEY: I will pick up at that point.

22 BY MR. RILEY:

23 Q Mr. Loginow, it is true that the entire substance
24 of your discussion with Mr. Turro about telephone dial up
25 remote control for WJUX and Ferndale was limited to Mr.

1 Turro telling you that there was a telephone dial up remote
2 control system for WJUX, is that right?

3 A That's correct.

4 Q Did you not pursue that with Mr. Turro because you
5 chose not to?

6 A The implication, see, that statement arose out of
7 result of asking about the remote control for WJUX, and Mr.
8 Turro stated there was no remote control. All remote
9 control is done out of Dumont, New Jersey, the Dumont
10 studios.

11 So, he is establishing the fact that the primary
12 remote is done from Dumont, and this further stated that
13 there were meter readings, etc., taken out at Dumont.

14 JUDGE STEINBERG: You can do it at Dumont, though,
15 if you have a dedicated line?

16 THE WITNESS: Right. But, he's not using the dial
17 up circuit. It's a dedicated remote control unit, a higher
18 level of remote control.

19 MR. RILEY: That is entirely true, but he's not
20 responding to my question.

21 BY MR. RILEY:

22 Q My question, Mr. Loginow, to you was, you did not
23 pursue with Mr. Turro a discussion of what he told you, the
24 telephone dial up remote control system, because you chose
25 not to, is that so?

1 A Because it was presented as a secondary means of
2 remote control and not the primary means of remote control.

3 Q Now you're explaining why you chose not to, is
4 that correct?

5 A Yes, plus the fact that he was located at a remote
6 distance.

7 Q That's what I thought. Didn't you also, if this
8 was not your sole reason for not pursuing it with Mr. Turro
9 on the telephone, is it not true that one of your reasons
10 for not pursuing it with him was that he wasn't present
11 there in Ferndale, he was talking to you on the telephone?

12 A That's correct. I'm testing the remote control
13 capability of Ferndale.

14 Q And, he was on the telephone with you, not in
15 Ferndale, isn't that right?

16 A That's correct.

17 Q Now we're where I wanted to be. Will you look at
18 this 1988 policy statement, the one released September 12,
19 1988 and tell me what conditions need to be met to allow you
20 some telephone dial up remote control in the public switch
21 network, that you could not determine by inquiring of Mr.
22 Turro on the telephone?

23 A I didn't have to determine by asking Mr. Turro,
24 because it was already stated to me upon my arrival at WJUX.

25 JUDGE STEINBERG: By Mr. Blabey?

1 THE WITNESS: Correct.

2 BY MR. RILEY:

3 Q Prior to your talking with Mr. Turro on the phone?

4 A Well, in addition, I already asked the question,
5 is there any dedicated telephone lines for WJUX coming into
6 the building and the answer I received was no, there is no
7 dedicated telephone lines coming in for WJUX.

8 JUDGE STEINBERG: Do you remember using the word
9 dedicated in your question?

10 THE WITNESS: Quite certain, yes.

11 MR. RILEY: Your Honor, let me just proceed a tad
12 further here.

13 BY MR. RILEY:

14 Q You do not understand this policy as requiring a
15 dedicated, single purpose remote control line to run between
16 Ferndale and the WJUX transmitter in order to make telephone
17 dial up remote control through the public network
18 permissible, do you?

19 A No, not a dedicated line, but a dedicated
20 telephone unit that no other line -- no one else can access
21 that line. In other words, when the operator has to dial up
22 the transmitter, he has to be able to do it, and not have
23 other activity, other telephone activity, on there.

24 JUDGE STEINBERG: Earlier, Mr. Riley gave an
25 example of having a telephone and calling his wife and while

1 he's calling his wife, then that telephone is not remote
2 control equipment.

3 THE WITNESS: Right.

4 JUDGE STEINBERG: But, when he hangs up and then
5 picks up the receiver again and dials all the codes and
6 everything, then it is remote control equipment.

7 THE WITNESS: Okay.

8 JUDGE STEINBERG: So, your previous answer was
9 that your interpretation of the public notice is that to be
10 in compliance with the policy of public notice, that phone
11 would not be available for any other use other than the dial
12 up?

13 THE WITNESS: Not necessarily for any other use,
14 but it should be capable for use by the person responsible,
15 by the operator on duty.

16 JUDGE STEINBERG: Well, what other uses,
17 permissible uses could there be?

18 THE WITNESS: Well, the operator on duty could
19 call up anybody he wishes to, as long as he has control of
20 the telephone.

21 JUDGE STEINBERG: So, if Mr. Riley was the
22 operator and he had that one telephone and he's calling his
23 wife up and talking to his wife and he's got exclusive
24 control over that phone and if he wants to, he can say,
25 sorry, honey, I've got to adjust the transmitter, hang up.

1 Then, even while he's on the phone with his wife, then
2 that's, in your opinion, considered remote control
3 equipment?

4 THE WITNESS: If he's actively controlling the
5 transmitter, then that is definitely remote control
6 equipment.

7 JUDGE STEINBERG: But, still, while he's talking
8 to his wife, it's not remote control?

9 THE WITNESS: Semantics. In my estimation, it's
10 not.

11 JUDGE STEINBERG: Yes, it seems like a lot of
12 semantics.

13 MR. RILEY: I think it is, Your Honor, and that's
14 one of the things that troubles me about this whole area,
15 but I have to pursue it with Mr. Loginow, since the Bureau
16 maintains as a point of violation that there wasn't remote
17 control and Mr. Loginow has conceded that he has been told
18 that there was, and it now seems to be a judgmental dispute.

19 BY MR. RILEY:

20 Q Mr. Loginow, to try to narrow --

21 JUDGE STEINBERG: You're also going to establish
22 through Mr. Weis, the licensee, I presume, his opinion on
23 all this?

24 MR. RILEY: Oh, absolutely, Your Honor. He's
25 already stated that he believes that there was a telephone,

1 there was a remote control unit there in his judgement that
2 satisfies the Commission's rules.

3 We're now down to a very narrow range of what I
4 will argue later, of course, is a matter of personal taste
5 and judgement.

6 BY MR. RILEY:

7 Q But, Mr. Loginow, again, look at the 1988 policy
8 statement that we all are looking at here, the
9 clarification. Where in this statement do you find anything
10 that says that the telephone instrument, the instrument
11 sitting on my desk, if I'm at my desk, must be exclusively
12 for use in dial up remote control?

13 A Isn't it in 4A on this public notice?

14 Q Well, doesn't that talk about a circuit, not a
15 telephone instrument?

16 A Correct.

17 Q Now, there's a difference, isn't there? The
18 circuit --

19 A Yes, that's correct.

20 MR. RILEY: I think that's the end of it, Your
21 Honor.

22 BY MR. RILEY:

23 Q Well, so you agree this doesn't say that you must
24 have a telephone instrument solely dedicated to remotely
25 control --

1 MR. ARONOWITZ: Objection. He never said that.

2 MR. RILEY: He did.

3 MR. ARONOWITZ: He said it was one of the
4 conditions under numbers of conditions. The question was
5 phrased in terms of a dedicated line for the exclusive use.

6 MR. RILEY: My question was --

7 JUDGE STEINBERG: It's sustained, of course. The
8 question was, point to something in the public notice which
9 says you have to have a dedicated line or an instrument --

10 MR. RILEY: An instrument.

11 JUDGE STEINBERG: An instrument. Mr. Loginow
12 pointed to 4A and then Mr. Riley clarified.

13 MR. RILEY: And, Mr. Loginow, I think, agreed that
14 it's talking about a circuit there, a telephone circuit,
15 which is what you --

16 THE WITNESS: Yes.

17 MR. RILEY: -- access when you dial a number.

18 JUDGE STEINBERG: Well, define a circuit, Mr.
19 Loginow, so that's in the record.

20 THE WITNESS: Well, a circuit is a telephone line
21 with a separate number.

22 JUDGE STEINBERG: In the switching building? It's
23 not the phone that Mr. Riley picks up and talks to his wife
24 on?

25 THE WITNESS: Well, it could be that.

1 MR. RILEY: That phone is one of many, as many as
2 there are, that can access the circuit that 4A is talking
3 about.

4 BY MR. RILEY:

5 Q Is that not so?

6 A That's correct.

7 MR. RILEY: Mr. Aronowitz' objections, Your Honor,
8 are stymieing a lot of cross, because Mr. Aronowitz is
9 disputing what the witness has given has answers and he's
10 not stating legal objections.

11 Now, I think the witness and I are in agreement on
12 what his testimony is about this.

13 BY MR. RILEY:

14 Q Now, you did not ask Mr. Turro whether there was a
15 circuit for this telephone dial up remote control that was a
16 circuit used only to access the telephone dial up remote
17 control equipment? You did not ask him that. Why did you
18 not ask him that?

19 A I was, in effect, testing the personnel in
20 Ferndale, New York, where the main studio is supposedly
21 located. I was not testing Mr. Turro, because he's
22 associated with the Dumont studio.

23 Q Let me ask you whether you ever discussed with Mr.
24 Blabey the presence of telephone dial up remote control for
25 controlling WJUX?

1 A No, sir, I did not. He never brought it up.

2 MR. RILEY: Your Honor, I think I'm going to
3 switch subjects here.

4 BY MR. RILEY:

5 Q Mr. Blabey didn't bring it up, but you did not
6 bring it up either, did you?

7 A It was not my position to bring it up to him.
8 He's the one in the Ferndale studio. Upon my question if
9 there is a remote control, it was his opportunity to say we
10 have dial up remote control available, but he did not.

11 Q So, your report to the Mass Media Bureau of your
12 April inspection, which states that, you've looked at this
13 before, there is no remote control equipment installed at
14 the main studio to control the WXTM transmitter or to read
15 transmitter operating parameters, is a report to the Mass
16 Media Bureau that entirely omits discussion of telephone
17 dial up remote control, is it not?

18 A That's correct.

19 Q To justify omitting that, you state that in your
20 judgement, conditions did not exist to find it viable at
21 this site, isn't that so?

22 A Correct.

23 Q You did not ask Mr. Turro or Mr. Blabey anything
24 about the conditions that would have justified it, isn't
25 that true?

1 A I asked Mr. Blabey about remote control.

2 Q You asked --

3 A He could have presented his full knowledge and
4 extent about remote control available to the studios. And,
5 he said there was none.

6 Q Since you are here as a field inspector for the
7 FCC, and some weight will be given to your testimony arises
8 out of your experience in this field, is it your customary
9 practice to check stations that you're inspecting, either
10 because of a complaint alleging no remote control or
11 inspecting on your general checklist which you do
12 periodically, to examine them for remote control capability?

13 A Yes, that is among the things to check for.

14 Q Do you not ordinarily ask the persons you are
15 questioning whether they have satisfactory remote control
16 systems?

17 A Yes.

18 Q Now, Mr. Turro identified himself to you as the
19 chief operator in April of 1995, when you were on the phone,
20 did he not?

21 A That's correct.

22 Q Ordinarily, the chief operator is somebody you
23 would ask questions of that nature to, is it not?

24 A Ordinarily, yes.

25 JUDGE STEINBERG: Are you going to switch subjects

1 now?

2 MR. RILEY: I think so, Your Honor.

3 JUDGE STEINBERG: Let's take five minutes. Off
4 the record.

5 (Whereupon, a short recess was taken.)

6 JUDGE STEINBERG: Back on the record. Mr. Riley,
7 why don't you continue?

8 MR. RILEY: Thank you, Your Honor.

9 BY MR. RILEY:

10 Q Mr. Loginow, one of the conclusions that you
11 reached in your April, 1995 inspection of the Ferndale
12 installation of WJUX FM and rather than going back and
13 forth, I'm going to call it WJUX, even though it's call sign
14 at that moment was WXTM.

15 A Okay.

16 Q There won't be any confusion, will there, between
17 us, when I say --

18 A No.

19 Q According to the Radio Station Inspection Report
20 which, I'm trying to find it here --

21 JUDGE STEINBERG: That was page 254 of Bureau
22 Exhibit 16.

23 MR. RILEY: Okay.

24 BY MR. RILEY:

25 Q According to that report, one of the conclusions

1 that you reached was that, and I'll refer you to page 254
2 itself, the first page of the Radio Station Inspection
3 Report, under the heading WXTM Main Studio Programming, one
4 of the conclusions you reached was that in order to use the
5 WJUX main studio to originate the programming for broadcast
6 by the WJUX transmitter, and if you'll look about four lines
7 under the heading I referred you to, that would require one
8 going to the transmitter site and affecting a change of
9 cabling at the patch panel to connect the transmitter in the
10 studio, do you see that?

11 A Yes.

12 Q Now, you reached that conclusion because of what
13 you indicated in this report Mr. Blabey told you, is that
14 correct?

15 A That's correct.

16 Q Now, you later went to that transmitter site with
17 Mr. Blabey, did you not?

18 A Yes, I did.

19 Q While there, you did not ask Mr. Blabey to show
20 you this patch panel in which the cabling had to be changed,
21 did you?

22 A No, I did not.

23 Q If you had asked him that at the transmitter site,
24 and he had changed the cabling at the patch panel -- you're
25 now up on a mountain 15 minutes from the studio, is that

1 right?

2 A That's correct.

3 Q You're up at the WJUX transmitter?

4 A Right.

5 Q He had changed the cabling at the patch panel,
6 then when you returned to Ferndale with Mr. Blabey, it's
7 your understanding you could then have originated
8 programming from that main studio, is that correct?

9 A That's my understanding, yes.

10 Q That's what you reported to the Mass Media Bureau,
11 is it not?

12 A Yes, it is.

13 Q Now, you were in the main studio of WJUX? When I
14 say main studio, I mean the studio, the room from which WJUX
15 would have originated programming in Ferndale, had it been
16 doing so at that time.

17 A Okay.

18 Q You were in that room, were you not?

19 A Very briefly.

20 Q But, you saw equipment in that room, did you not?

21 A Or, a lack of it.

22 Q Well, did you see a control board in there?

23 A A control board, yes.

24 Q That's typical of what you'd see in a broadcast
25 studio from which programming would originate, is it not?

1 A Yes, it is.

2 Q Did you see a microphone in there?

3 A Yes.

4 Q Did you see some tape machines?

5 A Yes.

6 Q Did you examine the wiring to see if the
7 microphone and the tape machines were connected to the
8 control panel?

9 A No, I did not.

10 Q So, you have no reason to think they were not, did
11 you?

12 A No, not at all.

13 Q But for Mr. Blabey telling you that, as you
14 understood it, the visit to the WJUX transmitter site some
15 couple of minutes, perhaps 15 minute drive away -- you've
16 taken the drive. Am I right in saying about 15 minutes?

17 A Yes, it's about 15.

18 Q But for Mr. Blabey telling you that, you have no
19 reason other than that to believe that this studio could not
20 be appropriately considered to be a source capable as a main
21 studio must be, of putting programming directly on the air.
22 Am I right in that?

23 A Yes, you're right.

24 Q Can you tell me why, when you were up there at
25 that site with Mr. Blabey where the WJUX transmitter is, you

1 did not ask him to show you this cabling patch panel that
2 you understood him to say had to be changed in order to
3 originate from that site?

4 A We had no reason to say it. I didn't doubt him
5 that there could be such a patch panel.

6 JUDGE STEINBERG: A patch panel is just a bunch of
7 places where you can plug and unplug wires and make
8 different connections?

9 THE WITNESS: That's correct.

10 BY MR. RILEY:

11 Q Have you ever cited, if you recall, have you ever
12 cited as a violation of the main studio rule a situation
13 where a station had a room fully equipped, so far as you
14 knew, to originate programming, but had to leave the
15 building and go to a transmitter site some distance away, in
16 this case, 15 minutes away, and affect a physical change at
17 that site to go on the air. Have you ever cited that, the
18 cause of that, as a violation of the main studio rule?

19 A We've never had that situation arise in 22 years,
20 where someone had to go to the transmitter to start
21 programming from their main studio. Never in 22 years.

22 Q You found that unusual?

23 A Highly unusual.

24 Q You considered that to be a violation?

25 A Oh, most definitely. Oh, most definitely.